

17090. Misbranding of aspirin tablets. U. S. v. 54 Dozen Tins and 41 Bottles of Aspirin Tablets. Default decree of condemnation and forfeiture. Product delivered to public institution. (F. & D. No. 24329. I. S. Nos. 017111, 017112. S. No. 2590.)

On December 13, 1929, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a District Court, a libel praying seizure and condemnation of 54 dozen tins and 41 bottles of aspirin tablets, remaining in the original unbroken packages at Washington, D. C., alleging that the article had been shipped by Blackman & Blackman (Inc.), from New York, N. Y., in part on or about April 27, 1929, and in part on or about October 15, 1929, and transported from the State of New York into the District of Columbia, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the article by this department showed that the tablets contained approximately 5 grains of acetylsalicylic acid each.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, borne on the labels, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Tins) "Used for: * * * Grippe, Lumbago and Rheumatism;" (circular accompanying tins) "A few of the many conditions in which it is useful are: * * * Lumbago, Rheumatism, Sciatica, * * * Periodic Pains and Sore Throat;" (bottle label) "Used for * * * Grippe * * * Lumbago, Toothache & Rheumatism;" and (carton inclosing bottles) "For * * * Grippe, * * * Lumbago, Toothache."

On February 25, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to a public institution to be used in such manner as would not violate the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17091. Misbranding of Walker's Old Indian fever tonic, Walker's Dead Shot colic remedy, Walker's Indian liver and kidney tonic, and Walker's Pain-I-Cure. U. S. v. 9 Bottles of Walker's Old Indian Fever Tonic, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 24284, 24285, 24286, 24287. I. S. Nos. 016815, 016816, 016817, 016818. S. No. 2526.)

Examination of a sample of a drug product known as "Walker's Old Indian Fever Tonic" by this department showed that the labels bore claims of its curative properties in certain ailments for which cinchona alkaloids are customarily prescribed, and that the products contained insufficient cinchona alkaloids to cure such ailments when taken in the doses and for the period of time indicated in the directions on the bottle. The labels also bore further curative and therapeutic claims for their effectiveness that were not justified by the composition of the articles.

On or about December 4, 1929, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 9 bottles of Walker's Old Indian fever tonic, 36 bottles of Walker's Dead Shot colic remedy, 4 bottles of Walker's Indian liver and kidney tonic, and 42 bottles of Walker's Pain-I-Cure, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the articles had been shipped by Cox & Simpkins, from Atlanta, Ga., on or about September 20, 1929, and transported from the State of Georgia into the State of Florida, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that Walker's Old Indian fever tonic consisted essentially of magnesium sulphate, quinine sulphate (3.28 grains per fluid ounce), ferric chloride, alcohol, and water; that Walker's Dead Shot colic remedy consisted essentially of ethyl alcohol, methyl alcohol (7.4 per cent by volume), chloroform, and volatile oils including sassafras oil; that Walker's Indian liver and kidney tonic consisted essentially of magnesium sulphate, quinine sulphate, and ferric chloride; and that Walker's Pain-I-Cure consisted essentially of camphor, chloroform, alcohol, and volatile oils including oil of sassafras.

Misbranding of Walker's Old Indian fever tonic was alleged in the libel for the reason that the package failed to bear a statement of the quantity or